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In re Application of: :
Pedeli :
Application No.: 09/806,526 :
PCT No.: PCT/AU99/00845 :
Int. Filing Date: 01 October 1999 : DECISION
Priority Date: 01 October 1998 :
Atty. Docket No.: A-70470/DJB/MAK :
For: Method For Treatment :
of Vulcanized Rubber :

This is in response to the "Request For Reconsideration Of Decision" filed on 10 May 2002.

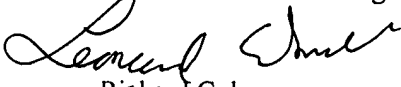
Counsel argues that "Nowhere does 37 CFR 1.42 state that it is necessary to identify the 'residence, address and citizenship of BOTH the deceased inventor and of the legal representative,'" as required in the Decision mailed on 02 April 2002.

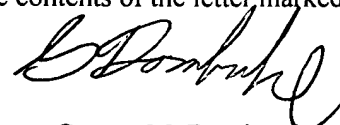
Counsel is correct in that 37 CFR 1.42 itself does not require that the residence, address and citizenship of the deceased inventor be supplied. However, neither does 37 CFR 1.42 relieve applicant of the duty under 37 CFR 1.497(b)(2) to supply the residence, address and citizenship of the actual inventor(s), though they may be deceased (unless the address and/or residence information is provided on an application data sheet in accordance with 37 CFR 1.76). Therefore, the requirements described in the Decision mailed on 02 April 2002 are in fact consistent with the applicable regulations.

The declaration filed on 22 January 2002 still is not acceptable under 37 CFR 1.42 (and 1.497(b)(2)) because it does not identify the residence, address and citizenship of BOTH the deceased inventor and of the legal representative. As such, it would be inappropriate to grant relief under 37 CFR 1.42 on the basis of the present record.

If reconsideration on the merits is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file a proper response will result in abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.


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